

**IN THE COURT OF COMMON PLEAS OF THE 11TH JUDICIAL DISTRICT
LUZERNE COUNTY, PENNSYLVANIA**

ANNA L. NEWQUIST AND
CARROLL NEWQUIST, HER HUSBAND,
PLAINTIFFS,

VS.

WAL-MART STORES EAST, L.P.,
DEFENDANT.

CIVIL ACTION - LAW

202200772

NO.

JURY TRIAL DEMANDED

NOTICE

You have been sued in Court. If you wish to defend against the claims set forth in the following pages, you must take action within twenty (20) days after this Complaint and Notice are served, by entering a written appearance personally or by attorney and filing in writing with the Court your defenses or objection to the claims set forth against you. You are warned that if you fail to do so, the case may proceed without you, and a judgment may be entered against you by the Court without further notice for any money claimed in the Complaint or for any other claim or relief requested by the Plaintiff. You may lose money or property or other rights important to you.

YOU SHOULD TAKE THIS PAPER TO YOUR LAWYER AT ONCE. IF YOU DO NOT HAVE A LAWYER, GO TO OR TELEPHONE THE OFFICE SET FORTH BELOW. THIS OFFICE CAN PROVIDE YOU WITH INFORMATION ABOUT HIRING A LAWYER. IF YOU CANNOT AFFORD TO HIRE A LAWYER, THIS OFFICE MAY BE ABLE TO PROVIDE YOU WITH INFORMATION ABOUT AGENCIES THAT MAY OFFER LEGAL SERVICES TO ELIGIBLE PERSONS AT A REDUCED RATE OR NO FEE.

North Penn Legal Services, Inc.

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AVISO

A usted se le ha demandado en la corte. Si usted quiere defenderse contra la demanda expuesta en las siguientes páginas, tiene que tomar acción en un plazo de veinte (20) días después que reciba esta demanda y aviso, por presentar una notificación de comparecencia escrita personalmente o por un abogado y radicar por escrito en la Corte sus defensas u objeciones a las demandas presentadas en su contra. Se le advierte que si falla en hacerlo, el caso podría seguir adelante sin usted y un fallo podría ser dictado en su contra por la Corte sin previo aviso por cualquier dinero reclamado en la demanda o por cualquier otro reclamo o desagravio pedido por el/la demandante. Puede que usted pierda dinero o propiedad u otros derechos importantes para usted.

USTED DEBE LLEVAR ESTE DOCUMENTO A SU ABOGADO INMEDIATAMENTE. SI NO TIENE ABOGADO, DIRÍJASE O LLAME POR TELÉFONO A LA OFICINA CUYA DIRECCIÓN SE ENCUENTRA ABAJO. ESTA OFICINA PUEDE PROVEERLE CON INFORMACIÓN SOBRE COMO CONTRATAR UN ABOGADO. SI NO TIENE LOS FONDOS SUFICIENTES PARA CONTRATAR UN ABOGADO, ESTA OFICINA PODRÍA PROPORCIONARLE INFORMACIÓN ACERCA DE AGENCIAS QUE PUEDAN OFRECERLES SERVICIOS LEGALES A PERSONAS QUE REÚNAN LOS REQUISITOS A UN HONORARIO REDUCIDO O GRATIS.

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PLAINTIFFS,	:	
	:	
VS.	:	NO. 202200772
	:	
WAL-MART STORES EAST, L.P.,	:	
DEFENDANT.	:	JURY TRIAL DEMANDED

COMPLAINT

Plaintiffs, Anna L. Newquist and Carroll Newquist, her Husband, by their Attorney, Michael B. Smith of Fanelli, Evans & Patel, P.C., files the within Complaint against Defendant Wal-Mart Stores East, LP based upon the following cause of action:

PARTIES

1. Plaintiffs, Anna L. Newquist and Carroll Newquist, are adult individuals residing at 8 Smokehouse Lane, Stayman Apartments, Apartment No. 217, Shamokin Dam, Northumberland County, Pennsylvania, 17876.

2. Defendant Wal-Mart Stores East, LP is a limited partnership organized and existing under Delaware law with a principal place of business at 702 SW 8th Street, Bentonville, Arkansas, 72712 and a registered address of 1209 Orange Street, Wilmington, Delaware, 19801.

3. At all times relevant hereto, the Defendant Walmart owned, operated, maintained, managed, supervised, possessed and controlled, by or through its agents, servants and/or employees, the Walmart Supercenter No. 2185 located at 980 North Susquehanna Trail, Selinsgrove, Snyder County, Pennsylvania ("the Premises") and the operations within the Premises.

4. Defendant Walmart is vicariously liable for the negligent acts and/or omissions of its agents, servants and/or employees.

JURISDICTION AND VENUE

5. Venue is proper in the Court of Common Pleas of Luzerne County because Defendant Walmart regularly conducts business in that County.

INCIDENT OF OCTOBER 21, 2020

6. On October 21, 2020, during the morning hours, Plaintiff Newquist was shopping at the Premises owned and operated by Defendant Walmart, with her husband, Carroll.

7. On the above date and at the above time, Plaintiff Newquist entered the mouthcare products isle located at the Premises when she slipped and fell on a liquid substance on the floor, resulting in serious and permanent injuries as more fully set forth below.

8. The liquid substance on the floor created a dangerous and/or hazardous condition of the Premises.

9. Defendant Walmart knew or should have known that the area where Plaintiff Newquist was injured was an area traversed by pedestrians.

10. Defendant knew or should have known of the slippery substance which created a dangerous condition of the floor.

11. The presence of the liquid substance on the floor created needless harm to members of the public, including Plaintiff Newquist, exposing them to the risk of a slip and fall injury.

12. A property owner is not permitted to needlessly endanger the public.

13. On the above date and at the above time, Defendant, by and through its agents, servants, and/or employees, had a duty to maintain the Premises in a reasonably safe condition

and free from any dangerous conditions, for persons lawfully on the Premises, including Plaintiff, Anna L. Newquist.

NEGLIGENCE

14. Paragraphs 1 through 13 above are incorporated herein by reference and made a part hereof.

15. Plaintiff Newquist was lawfully on the premises as a business invitee of Defendant Walmart at the time of the slip and fall, and was therefore owed the highest duty of care.

16. Defendant Walmart knowingly and/or carelessly allowed the wet and slippery condition which caused Plaintiff Newquist to slip and fall, to persist.

17. Defendant Walmart failed to warn Plaintiff Newquist of the wet and slippery condition of the floor.

18. Defendant Walmart was aware or should have been aware of the wet floor, but failed to take reasonable measures to clean the liquid and prevent a hazardous condition of the premises.

19. At all times relevant hereto, Plaintiff Newquist acted in a reasonable and prudent manner, was in no manner negligent, and in no manner caused or contributed to the happening of the aforementioned incident.

20. The aforesaid act was caused as a direct and proximate result of the carelessness and negligence of Defendant Walmart by and through its agents, servants, workmen and/or employees and consisted of the following:

- a. failing to ensure that the area was safe for users;
- b. failure to clean the liquid substance from the floor;

- c. failing to warn Plaintiff Newquist of the said dangerous and hazardous condition;
- d. failing to properly and adequately maintain, clean and inspect the said area;
- e. creating, permitting and allowing to exist a foreseeable risk of harm to Plaintiff Newquist;
- f. failing to protect the safety of users and visitors as it relates to the above acts of negligence;
- g. Failing to adhere to industry standard for the maintenance of the property;
- h. Failing to maintain and/or barricade or otherwise adequately notify Plaintiff and others similarly situated of the dangerous and defective condition and allowing liquid to remain in a dangerous unprotected and hazardous condition for Plaintiff Newquist and others similarly situated;
- i. Failure to perform adequate inspections;
- j. Failing to use reasonable care in the inspection, maintenance and/or repair of the Premises in question;
- k. Failing to adopt a policy for inspecting the Premises to ensure it is free from dangerous conditions, including spilled liquid on the floor;
- l. Failing to implement its policy for inspecting the Premises to ensure it is free from dangerous conditions;
- m. Failing to adequately train its employees to inspect the Premises for dangerous conditions, or otherwise failing to ensure its employees complied with the training;
- n. Failing to have proper procedures in place to identify hazards and protect its

invitees against those hazards; and,

o. Failing to implement its procedures to identify hazards and protect its invitees against those hazards.

21. As a direct and proximate result of the carelessness and negligence of Defendant Walmart, Plaintiff Newquist suffered the following serious injuries:

- a. comminuted, displaced fracture of right patella;
- b. posterior dislocation of left elbow with a dislocated fracture of the coronoid process of the ulna;
- c. pain, bruising and swelling to the left elbow;
- c. pain, bruising and swelling of the right knee; and,
- d. subsequent atrial fibrillation.

22. As a direct and proximate result of the carelessness and negligence of the Defendant Walmart, Plaintiff Newquist has been obliged to receive and undergo medical care and attention, and to expend various sums of money and to incur various expenses in and about endeavoring to treat and cure the injuries she has suffered, and she may be forced to continue to expend such sums or incur such expenditures in the future, for which she makes a claim.

23. As a direct and proximate result of the carelessness and negligence of the Defendant Walmart, Plaintiff Newquist has undergone and will undergo in the future great mental and physical pain and suffering, and humiliation.

24. As a direct and proximate result of the carelessness and negligence of the Defendant Walmart, Plaintiff Newquist has sustained a permanent diminution in her ability to enjoy life's pleasures and has been prevented, and may be so prevented for an indefinite period of time in the

future, from attending to her usual daily activities and duties.

25. As a direct and proximate result of the carelessness and negligence of the Defendant Walmart, Plaintiff Newquist has incurred, and may hereinafter incur, other financial expenses or losses, which have or may exceed the amounts to which she may be otherwise entitled to recover by law.

WHEREFORE, Plaintiff, Anna L. Newquist, respectfully requests this Honorable Court to enter judgment in her favor and against Defendant Walmart in an amount which exceeds the limits of arbitration together with interest and costs of this action and any other sum due and owing because of delay in payment.

Carroll Newquist vs. Wal-Mart Stores East, LP

LOSS OF CONSORTIUM

26. The Plaintiff, Carroll Newquist, incorporates paragraphs 1 through 25 above and make them a part hereof.

27. As a result of the carelessness, recklessness and negligence of the Defendant the Plaintiff, Carroll Newquist, has been deprived of the comfort, support and maintenance of his wife, Anna L. Newquist, and has suffered a loss of consortium.

WHEREFORE, the Plaintiff, Carroll Newquist, respectfully requests this Honorable Court to enter judgment in his favor and against Defendant Walmart in an amount which exceeds the limits of arbitration together with interest and costs of this action and any other sum due and owing because of delay in payment.

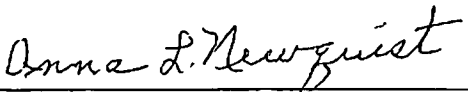
LAW OFFICES
FANELLI, EVANS & PATEL, P.C.

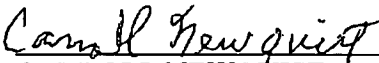
DATE: JANUARY 31, 2022

s/ *Michael B. Smith*
MICHAEL B. SMITH, ESQUIRE
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Attorney for Plaintiff

VERIFICATION

We, Anna L. Newquist and Carroll Newquist, hereby verify that the facts set forth in the Complaint are true and correct to the best of our personal knowledge, information, and belief. We further understand that false statements herein are made subject to the penalties of 18 Pa. C.S. Section 4904 relating to unsworn falsifications to authorities.


ANNA L. NEWQUIST


CARROLL NEWQUIST

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CERTIFICATE OF COMPLIANCE

I, MICHAEL B. SMITH, ESQUIRE, certify that on behalf of the Plaintiffs, the attached Complaint complies with the provisions of the Public Access Policy of the Unified Judicial System of Pennsylvania: Case Records of the Appellate and Trial Courts that require filing confidential information and documents differently than non-confidential information and documents.

LAW OFFICES
FANELLI, EVANS & PATEL, P.C.

DATE: JANUARY 31, 2022

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